

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

RACHEL M. CHANEY, *et al.*,

Plaintiffs,

v.

PERDUE FARMS INC., *et al.*,

Defendants.

C.A. No.: 1:24-cv-2975

DEFENDANTS' ANSWER TO COMPLAINT

Defendants, Perdue Farms Inc., FPP Business Services Inc. d/b/a Perdue Farms Inc, Perdue Agribusiness LLC, Perdue Agribusiness Incorporated d/b/a Perdue Agribusiness LLC, Perdue Agribusiness Grain LLC d/b/a Perdue Agribusiness LLC, Perdue Foods LLC, and Perdue Foods Incorporated d/b/a Perdue Foods LLC (collectively “Perdue” or “Defendants”), by and through the undersigned counsel, hereby respond to the allegations in the numbered paragraphs of Plaintiffs Rachael M. Chaney, Doug C. Davis, Julie M. Davis, Gary W. Doss, and Rebecca R. Doss’s Class Action Complaint (“Complaint”) (ECF 1) as follows:

THE PARTIES

1. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.

4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.

5. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.

a. Perdue Farms Defendants

6. Defendants admit the allegations contained in Paragraph 6 of the Complaint, except that the zip code of Perdue Farms Inc.'s registered agent for service is 21093, not 21804. Defendants incorporate by reference their Local Rule 103.3 Disclosure Statements filed in this case on December 23, 2024 (ECF Nos. 16-22).

7. Defendants admit the allegations in the second sentence of Paragraph 7. Defendants deny the remaining allegations of Paragraph 7. Defendants incorporate by reference their Local Rule 103.3 Disclosure Statements filed in this case on December 23, 2024 (ECF Nos. 16-22).

8. The allegation contained in Paragraph 8 is a statement to which no response is required. To the extent that a response is required, Defendants lack knowledge or information sufficient to form a belief as to Plaintiffs' intention in drafting the Complaint.

b. Perdue Agribusiness Defendants

9. Defendants admit the allegations contained in Paragraph 9 of the Complaint. Defendants incorporate by reference their Local Rule 103.3 Disclosure Statements filed in this case on December 23, 2024 (ECF Nos. 16-22).

10. Defendants admit the allegations in the third sentence of Paragraph 10. Defendants deny the remaining allegations of Paragraph 10. Defendants incorporate by reference their Local Rule 103.3 Disclosure Statements filed in this case on December 23, 2024 (ECF Nos. 16-22).

11. Defendants admit the allegations in the third sentence of Paragraph 11. Defendants deny the remaining allegations of Paragraph 11. Defendants incorporate by reference their Local Rule 103.3 Disclosure Statements filed in this case on December 23, 2024 (ECF Nos. 16-22).

12. The allegation contained in Paragraph 12 is a statement to which no response is required. To the extent that a response is required, Defendants lack knowledge or information sufficient to form a belief as to Plaintiffs' intention in drafting the Complaint.

c. Perdue Foods Defendants

13. Defendants admit the allegations contained in Paragraph 13 of the Complaint. Defendants incorporate by reference their Local Rule 103.3 Disclosure Statements filed in this case on December 23, 2024 (ECF Nos. 16-22).

14. Defendants admit the allegations in the third sentence of Paragraph 14. Defendants deny the remaining allegations of Paragraph 14. Defendants incorporate by reference their Local Rule 103.3 Disclosure Statements filed in this case on December 23, 2024 (ECF Nos. 16-22).

15. The allegation contained in Paragraph 15 is a statement to which no response is required. To the extent that a response is required, Defendants lack knowledge or information sufficient to form a belief as to Plaintiffs' intention in drafting the Complaint.

16. The allegation contained in Paragraph 16 is a statement to which no response is required. To the extent that a response is required, Defendants lack knowledge or information sufficient to form a belief as to Plaintiffs' intention in drafting the Complaint.

17. Defendants deny the allegations in Paragraph 17.

18. Defendants admit that Perdue Farms Inc. is a privately held company and has reported annual sales of more than \$10 billion. Defendants deny the remaining allegations in Paragraph 18.

19. Defendants admit the allegation contained in Paragraph 19 of the Complaint.

20. Defendants admit the allegation contained in Paragraph 20 of the Complaint.

21. The allegations contained in Paragraph 21(c)-(f) are legal conclusions to which no response is required. Defendants deny the remaining allegations contained therein.

JURISDICTION AND VENUE

22. The allegation in Paragraph 22 of the Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegation therein and deny that Plaintiffs are entitled to any relief.

23. The allegations contained in Paragraph 23 are legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that any of the named Plaintiffs meet the requirements of Fed. R. Civ. P. 23.

24. The allegations in Paragraph 24 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein and deny that Plaintiffs are entitled to any relief.

25. The allegations in Paragraph 25 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein and deny that Plaintiffs are entitled to any relief.

26. The allegations in Paragraph 26 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein and deny that Plaintiffs are entitled to any relief.

JURY DEMAND

27. The allegation contained in Paragraph 27 is a statement to which no response is required. To the extent that a response is required, Defendants admit that Plaintiffs have demanded a jury trial.

GENERAL FACTUAL ALLEGATIONS

Background Regarding PFAS

28. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28. To the extent that a response is required, Defendants deny the allegations therein.

29. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29. To the extent that a response is required, Defendants deny the allegations therein.

30. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30. To the extent that a response is required, Defendants deny the allegations therein.

Toxicity of PFAS

31. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31. To the extent that a response is required, Defendants deny the allegations therein.

32. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32. To the extent that a response is required, Defendants deny the allegations therein.

33. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33. To the extent that a response is required, Defendants deny the allegations therein.

34. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34. To the extent that a response is required, Defendants deny the allegations therein.

35. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 35. To the extent that a response is required, Defendants deny the allegation therein.

36. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36. To the extent that a response is required, Defendants deny the allegations therein.

37. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37. To the extent that a response is required, Defendants deny the allegations therein.

38. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38. To the extent that a response is required, Defendants deny the allegations therein.

39. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39. To the extent that a response is required, Defendants deny the allegations therein.

40. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40. To the extent that a response is required, Defendants deny the allegations therein.

History of PFAS Regulation

41. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41. To the extent that a response is required, Defendants deny the allegations therein.

42. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42. To the extent that a response is required, Defendants deny the allegations therein.

43. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43. To the extent that a response is required, Defendants deny the allegations therein.

44. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44. To the extent that a response is required, Defendants deny the allegations therein.

45. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45. To the extent that a response is required, Defendants deny the allegations therein.

46. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46. To the extent that a response is required, Defendants deny the allegations therein.

47. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47. To the extent that a response is required, Defendants deny the allegations therein.

48. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48. To the extent that a response is required, Defendants deny the allegations therein.

49. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49. To the extent that a response is required, Defendants deny the allegations therein.

50. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50. To the extent that a response is required, Defendants deny the allegations therein.

51. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51. To the extent that a response is required, Defendants deny the allegations therein.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52. To the extent that a response is required, Defendants deny the allegations therein.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53. To the extent that a response is required, Defendants deny the allegations therein.

54. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54. To the extent that a response is required, Defendants deny the allegations therein.

55. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55. To the extent that a response is required, Defendants deny the allegations therein.

Excessive Levels of PFAS in the Groundwater at Defendants' Facility

56. Defendants admit that the property at 6906 Zion Church Road includes approximately 250 acres, comprised of a series of contiguous parcels of land, occupying the land which extends approximately to Route 50 to the west, Morris Leonard Road to the north, Zion Church Road to the east, and extending slightly beyond rail tracks to the south. Defendants further admit that Perdue Foods LLC and Perdue Agribusiness LLC are wholly owned subsidiaries of Perdue Farms Inc. Defendants deny the remaining allegations in Paragraph 56.

57. Defendants deny the allegations in Paragraph 57.

58. Defendants deny the allegations in Paragraph 58.

59. Defendants deny the allegations in Paragraph 59.

60. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60. To the extent that a response is required, Defendants deny the allegations therein.

61. Defendants deny the allegations in the first sentence of Paragraph 61. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of Paragraph 61.

62. Defendants deny the allegations in Paragraph 62.

63. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63.

64. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64.

65. Defendants deny the allegations in Paragraph 65.

66. Defendants deny the allegations in Paragraph 66.

67. Defendants deny the allegations in Paragraph 67 and further state that there is no Exhibit A to the Complaint.

68. The allegation in the first sentence of Paragraph 68 of the Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the first and second sentences of Paragraph 68. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the third sentence of Paragraph 68.

69. Defendants deny the allegations in the first and second sentences of Paragraph 69. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the third sentence of Paragraph 69.

70. The allegation in the first sentence of Paragraph 70 of the Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the first and second sentences of Paragraph 70. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the third sentence of Paragraph 70.

71. Defendants deny the allegations in Paragraph 71.

FACTS RELATED TO PLAINTIFFS¹

72. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72.

73. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73.

74. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74.

75. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75.

76. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76.

77. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77.

78. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78.

79. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79.

80. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80.

¹ Pursuant to the Court's Memorandum Opinion and Order, "Plaintiffs have not adequately pleaded claims linking any of their existing medical conditions to Perdue's PFAS-related conduct," and accordingly, any such claims regarding Plaintiffs' "health conditions they previously had or presently suffer from" were dismissed. ECF 44 at 7-8. In an abundance of caution and to avoid waiver, Defendants are responding to all of Plaintiffs' allegations even though certain allegations have been mooted by dismissal.

81. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81.

82. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82.

83. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83.

84. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84.

85. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85.

86. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86.

87. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87.

88. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88.

89. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89.

90. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90.

91. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91.

92. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92.

93. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93.

94. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94.

95. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95.

96. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96.

97. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97.

98. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98.

CLASS ALLEGATIONS

99. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

100. The allegations in Paragraph 100 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

101. The allegations in Paragraph 101 and each of its subparts (a-c) assert legal conclusions to which no response is required. To the extent that a response is required, Defendants

deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

102. The allegations in Paragraph 102 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

103. The allegations in Paragraph 103 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

104. The allegations in Paragraph 104 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

105. The allegations in Paragraph 105 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

106. The allegations in Paragraph 106 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

107. The allegations in Paragraph 107 and each of its subparts (a-y) assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

108. The allegations in Paragraph 108 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

109. The allegations in Paragraph 109 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

110. The allegations in Paragraph 110 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110.

111. The allegations in Paragraph 111 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

112. The allegations in Paragraph 112 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny

that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

113. The allegations in Paragraph 113 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

114. The allegations in Paragraph 114 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

115. The allegations in Paragraph 115 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

116. The allegations in Paragraph 116 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

117. The allegations in Paragraph 117 assert legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein, deny that Plaintiffs are entitled to bring this action on behalf of a class, and deny that Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

CAUSES OF ACTION

COUNT I

Strict Liability and Abnormally Dangerous Activity by Perdue Defendants

118. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

119. The allegation in Paragraph 119 of the Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegation therein and deny that Plaintiffs are entitled to any relief.

120. The allegations contained in Paragraph 120 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 120 of the Complaint and specifically deny that they are liable or that they violated any laws.

121. The allegations contained in Paragraph 121 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 121 of the Complaint and specifically deny that they are liable or that they violated any laws.

122. The allegations contained in Paragraph 122 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 122 of the Complaint and specifically deny that they are liable or that they violated any laws.

123. The allegations contained in Paragraph 123 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 123 of the Complaint, and specifically deny that they are liable or that they

violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

COUNT II

Negligence Against Perdue Defendants

124. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

125. The allegation in Paragraph 125 of the Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegation therein and deny that Plaintiffs are entitled to any relief.

126. The allegations contained in Paragraph 126 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 126 of the Complaint, and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

127. The allegations contained in Paragraph 127 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 127 of the Complaint and specifically deny that they are liable or that they violated any laws.

128. The allegations contained in Paragraph 128 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 128 of the Complaint and specifically deny that they are liable or that they violated any laws.

129. The allegations contained in Paragraph 129 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 129 of the Complaint and specifically deny that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

130. The allegations contained in Paragraph 130 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 130 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

131. The allegations contained in Paragraph 131 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 131 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

132. The allegations contained in Paragraph 132 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 132 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

133. The allegations contained in Paragraph 133 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations

contained in Paragraph 133 of the Complaint and specifically deny that they are liable or that they violated any laws.

134. The allegations contained in Paragraph 134 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 134 of the Complaint and deny specifically that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

135. The allegations contained in Paragraph 135 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 135 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

136. The allegations contained in Paragraph 136 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 136 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

COUNT III

Private Nuisance Against Perdue Defendants

137. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

138. The allegation in Paragraph 138 of the Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegation therein and deny that Plaintiffs are entitled to any relief.

139. The allegations contained in Paragraph 139 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 139 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

140. The allegations contained in Paragraph 140 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 140 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

141. The allegations contained in Paragraph 141 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 141 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

142. The allegations contained in Paragraph 142 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 142 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

143. The allegations contained in Paragraph 143 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 143 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

144. The allegations contained in Paragraph 144 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 144 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

145. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 145. To the extent a response is required, Defendants deny the allegations contained in Paragraph 145 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

146. The allegations contained in Paragraph 146 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 146 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

147. The allegations contained in Paragraph 147 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 147 of the Complaint and specifically deny that they are liable or that they

violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

148. The allegations contained in Paragraph 148 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 148 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

149. The allegations contained in Paragraph 149 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 149 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

150. The allegations contained in Paragraph 150 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 150 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

151. The allegations contained in Paragraph 151 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 151 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

152. The allegations contained in Paragraph 152 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 152 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

COUNT IV

Public Nuisance Against Perdue Defendants

153. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

154. The allegation in Paragraph 154 of the Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegation therein and deny that Plaintiffs are entitled to any relief.

155. The allegations contained in Paragraph 155 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 155 of the Complaint and specifically deny that they are liable or that they violated any laws.

156. The allegations contained in Paragraph 156 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 156 of the Complaint and specifically deny that they are liable or that they violated any laws.

157. The allegations contained in Paragraph 157 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations

contained in Paragraph 157 of the Complaint and specifically deny that they are liable or that they violated any laws.

158. The allegations contained in Paragraph 158 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 158 of the Complaint and specifically deny that they are liable or that they violated any laws.

159. The allegations contained in Paragraph 159 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 159 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

160. The allegations contained in Paragraph 160 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 160 of the Complaint and specifically deny that they are liable or that they violated any laws.

161. The allegations contained in Paragraph 161 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 161 of the Complaint and specifically deny that they are liable or that they violated any laws.

162. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162. To the extent a response is required, Defendants deny the allegations contained in Paragraph 162 of the Complaint and specifically deny that they are liable

or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

163. The allegations contained in Paragraph 163 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 163 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

164. The allegations contained in Paragraph 164 are legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein.

165. The allegations contained in Paragraph 165 are legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations therein.

166. The allegations contained in Paragraph 166 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 166 of the Complaint and deny specifically that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

COUNT V

Trespass By Perdue Defendants

167. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

168. The allegation in Paragraph 168 of the Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegation therein and deny that Plaintiffs are entitled to any relief.

169. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 169. To the extent that a response is required, Defendants deny the allegations therein.

170. The allegations contained in Paragraph 170 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 170 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

171. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171. To the extent that a response is required, Defendants deny that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

172. The allegations contained in Paragraph 172 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 172 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

173. The allegations contained in Paragraph 173 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 173 of the Complaint and specifically deny that they are liable or that they

violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

174. The allegations contained in Paragraph 174 are legal conclusions to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174 of the Complaint, and therefore deny the allegations and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, and that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23.

175. The allegations contained in Paragraph 175 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 175 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

COUNT VI²

Vicarious Liability Against Perdue Farms Defendants

176. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

177. Defendants admit that Perdue Agribusiness LLC and Perdue Foods LLC are wholly owned subsidiaries of Perdue Farms Inc.

² Pursuant to the Court's Memorandum Opinion and Order, Counts VI and VII have been dismissed, but in an abundance of caution and to avoid waiver, Perdue is responding to all of Plaintiffs' allegations.

178. The allegations contained in Paragraph 178 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 178 of the Complaint and deny specifically that they are liable or that they violated any laws.

179. The allegations contained in Paragraph 179 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 179.

180. The allegations contained in Paragraph 180 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 180.

181. The allegations contained in Paragraph 181 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 181 of the Complaint and deny specifically that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

COUNT VII

Preliminary And Permanent Injunction To Cease Pollution And Remediate The Environment

182. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

183. Defendants deny the allegations contained in Paragraph 183 and each of its subparts (a-d) and specifically deny that they are liable or that they violated any laws, that Plaintiffs are

entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

184. The allegations contained in Paragraph 184 are legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

185. The allegations contained in Paragraph 185 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 185 and each of its subparts (a-d) and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

186. The allegations contained in Paragraph 186 are legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 186 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

RELIEF SOUGHT BY PLAINTIFFS AND CLASS MEMBERS

187. Defendants incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full.

188. Defendants deny the allegations contained in Paragraph 188 of the Complaint and specifically deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

189. Defendants admit that Plaintiffs seek the relief requested in Paragraph 189 of the Complaint, but Defendants deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

190. Defendants admit that Plaintiffs seek the relief requested in Paragraph 190 of the Complaint, but Defendants deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

191. Defendants admit that Plaintiffs seek the relief requested in Paragraph 191 of the Complaint, but Defendants deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

192. Defendants admit that Plaintiffs seek the relief requested in Paragraph 192 of the Complaint, but Defendants deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

193. Defendants admit that Plaintiffs seek the relief requested in Paragraph 193 of the Complaint, but Defendants deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

194. Defendants admit that Plaintiffs seek the relief requested in Paragraph 194 of the Complaint, but Defendants deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

195. Defendants deny that Plaintiffs are entitled to amend the Complaint.

196. Defendants admit that Plaintiffs seek the relief requested in Paragraph 196 of the Complaint, but Defendants deny that they are liable or that they violated any laws, that Plaintiffs are entitled to bring this action on behalf of a class, that any of the Plaintiffs meet any of the requirements of Fed. R. Civ. P. 23, and that Plaintiffs and the putative class are entitled to any of the requested relief.

AFFIRMATIVE DEFENSES

Defendants hereby incorporate by reference their responses to the allegations contained in the foregoing paragraphs as though the same were set forth again in full and plead their Affirmative Defenses, without assuming the burdens of proof, persuasion, or production not otherwise legally assigned to them, and without prejudice to their Answer.

First Affirmative Defense

The Complaint fails to state a claim upon which relief can be granted against Defendants.

Second Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for relief are barred because Plaintiffs and each putative class member failed to adequately exhaust their administrative remedies set forth in Maryland and Wicomico County's right-to-farm statutes.

Third Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for injunctive relief are barred because Plaintiffs and each member of the putative class cannot show that they have suffered or will suffer any irreparable harm or future harm from Defendants' alleged actions.

Fourth Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for equitable relief, including but not limited to claims for an injunction, are barred because they have an adequate remedy at law.

Fifth Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for relief are barred for failure to satisfy the criteria for class certification in accordance with Fed. R. Civ. P. 23.

Sixth Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for relief are, or may be, barred by the applicable statute of limitations, or statute of repose/and or by the equitable doctrines of waiver, estoppel, laches, unclean hands, and/or statutory and regulatory compliance.

Seventh Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for relief may be barred or diminished, in whole or in part, by the exclusive remedies provision of the Maryland Worker's Compensation Act, to the extent the injuries alleged were caused by workplace exposures. Md. Code Ann., Labor & Empl. § 9-101 *et seq.*

Eighth Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for relief are barred or limited for lack of standing.

Ninth Affirmative Defense

Plaintiffs cannot show that Defendants violated any duty or obligation owed to the Plaintiffs or any member of the putative class because no such duty or obligation exists.

Tenth Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for relief are barred, in whole or in part, because Defendants have at all relevant times complied with all applicable laws and regulations to which they were subject, including but not limited to the deference that the common law gives to regulatory bodies, including but not limited to the doctrine of primary jurisdiction.

Eleventh Affirmative Defense

Defendants are not liable for any harm to Plaintiffs and each member of the putative class, because any harm, if it exists, was caused in whole or in part by parties and events wholly unrelated to Defendants.

Twelfth Affirmative Defense

Defendants neither knew nor should have known that any of the substances alleged in the Complaint constituted a reasonable and foreseeable risk of physical harm in accordance with the prevailing state of medical, scientific, and/or industrial knowledge available at times relevant to the claims or causes of action asserted by Plaintiffs.

Thirteenth Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for relief may be barred, reduced, and/or limited pursuant to applicable statutory and common law that limits non-economic damages or awards, sets caps on recovery, and/or requires setoffs. Md. Code Ann., Cts. & Jud. Proc. § 11-108.

Fourteenth Affirmative Defense

Plaintiffs' and each member of the putative class's purported claims for relief are barred or reduced, in whole or in part, due to assumption of the risk and contributory or comparative negligence, fault, responsibility, or causation of others, including Plaintiffs.

Fifteenth Affirmative Defense

The causes of action set forth in the Complaint fail because federal, state, and/or local governments and agencies have mandated, directed, approved, and/or ratified actions or omissions of Defendants either expressly or with knowledge and acquiescence.

Sixteenth Affirmative Defense

Plaintiffs' and each member of the putative class's claims for relief are barred by their failure to mitigate damages.

Seventeenth Affirmative Defense

Plaintiffs' and each member of the putative class's claims for medical monitoring are barred as there is insufficient proof of a cognizable future injury or disease, or increased risk of disease or fear of future disease warranting recovery.

Eighteenth Affirmative Defense

Plaintiffs' and each member of the putative class's claims are barred because there is no evidence that Defendants proximately caused Plaintiffs' or any class members' injuries or future injuries.

Nineteenth Affirmative Defense

Plaintiffs' and each member of the putative class's claims are barred because the intervening and superseding acts of third parties are the proximate cause of the alleged injuries.

Twentieth Affirmative Defense

Defendants expressly reserve the right to raise additional affirmative or other defenses that may be established by discovery and the evidence in this case.

DEMAND FOR A JURY TRIAL

Defendants demand a jury trial on all issues so triable.

DEFENDANTS' PRAYER FOR RELIEF

Defendants deny that Plaintiffs and unnamed members of the putative classes are entitled to any relief.

WHEREFORE, Defendants request that this Court enter a judgment as follows:

1. Dismissing the Plaintiffs' Complaint in its entirety with prejudice;
2. Denying all relief requested by Plaintiffs in their Complaint;
3. Awarding Defendants costs of suit, including reasonable attorneys' fees; and
4. Awarding Defendants any such further relief that the Court deems just and proper.

August 26, 2025

Respectfully submitted,

/s/

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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 26, 2025, I electronically filed this Answer with the Court and used the CM/ECF system to serve all parties in this action registered with that system.

I FURTHER CERTIFY that a courtesy copy of the foregoing will be sent by overnight mail to chambers.

/s/
Catherine G. Ottenritter